#5/ heg for heccon
1. HCBeth Bron
3/1/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dwight JAMIESON, et al   Examiner: Fields, K.

Serial No.: 09/131,051   Art Unit: 2153

Filed: August 7, 1998

For: MULTI-PROTOCOL LABEL SWITCHING VIRTUAL
PRIVATE NETWORKS

CERTIFICATE OF MAILING

I hereby certify that this paper and every
paper referred to therein as being enclosed is
being deposited with the U.S. Postage Service
as first class mail, postage prepaid, in an
envelope addressed to: Box No-Fee Amendment,
Assistant Commissioner for Patents,
Washington, DC 20231 on ___February 16, 2001___
(Date of Deposit)

Kevin Kinlan
Print Name

Signature

Box No Fee Amendment
Assistant Commissioner for Patents
Washington DC 20231

RESPONSE

Dear Sir,

This is responsive to the Office Action dated November 22, 2000. Reconsideration and allowance of this application are respectfully requested.

Claims 1-10 are now in this case.

The Examiner rejected Claims 1-3 and 7-9 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,999,536 to Kawafuji et al ("Kawafuji"). The Examiner rejected Claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Kawafuji. The examiner objected to

Claims 4 and 10 as being dependant upon a rejected base claim but stated that they would be

allowable if rewritten in independent form.

35 U.S.C. 102(e)

In the November 22, 2000 Office Action, the Examiner rejected Claims 1-3 and 7-9 as

being anticipated by Kawafuji. The Examiner asserted that:

> Kawafuji discloses a virtual private network which enables private communications, over
> a shared MPLS network, between at least two private networks comprising: a first router
> coupled to the network and configured to dynamically distribute first router VPN
> information across the shared MPLS network, wherein the first router VPN information
> includes a VPN identifier which is assigned to said first router (col. 9, line 49 - col. 10,
> line 24); a second router coupled to the shared MPLS network and configured to
> dynamically distribute second router VPN information across the shared MPLS network,
> wherein said second router VPN information includes a VPN identifier which is assigned
> to said second router (col. 9, line 49 - col. 10, line 24); wherein said first and second
> routers are also configured to establish a plurality of switched paths therebetween; and
> wherein said VPN identifier assigned to said first router is the same as said VPN
> identifier assigned to said second router (the identifiers will be the same when packets are
> being distributed between the terminals on the same VPN).

"A claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v.*

Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With respect to Claim 1, applicants respectfully point out that the first and second router

are "configured to *dynamically* distribute" VPN information across the shared MPLS network.

In contrast, Kawafuji does not disclose the *dynamic* distribution of VPN information over a

shared MPLS network. Instead, Kawafuji discloses a router that has multiple ports for

connecting virtual LANs. Each port of the router has a port number and a VLAN Id. When a

packet of data is transmitted through the router, the router compares the port number and VLAN

Id from which the packet is received to a port number and VLAN Id stored in a memory of the

router associated with the sender IP address. If these do not match, then the data associated with

the sender Id is deleted from the router memory. If a terminal attached to a new connection on the router receives a packet of data, the router stores the port number and VLAN Id of the receiving terminal in its memory. Further, when a terminal connected to the router changes its VLAN Id and sends a data packet through the router, the router stores the new VLAN Id in its memory. (See col. 10, Lines 4-24 of Kawafuji). This citation from Kawafuji merely illustrates, that the router maintains a table that is updated. However, there is no mention of dynamically distributing VPN information from a first router to another router. Accordingly, since this element is not disclosed in Kawafuji, Claim 1 is novel over Kawafuji and should be allowed.

Furthermore, Claim 1 recites that the "first and second routers are also configured to establish a plurality of label switched paths therebetween." As illustrated by the above discussion of Kawafuji, it is apparent that Kawafuji does not disclose the establishment of label switched paths between two routers. Since there are at least two elements in Claim 1 that are not "described" in Kawafuji, Claim 1 is not anticipated by Kawafuji. For the foregoing reasons and others not disclosed herein, Claim 1 should be allowed.

Claims 2-6 ultimately depend from Claim 1. Therefore, since Claim 1 is not anticipated by Kawafuki, Claims 2-6 are not anticipated and should also be allowed.

Claim 7 recites, *inter alia*, first and second router means "coupled to the shared MPLS network for *dynamically* distributing" VPN information. Further, Claim 7 recites that the "first and second router means are also configured to establish a plurality of label switched paths therebetween." As noted in the discussion above, Kawafuji does not disclose the dynamic distribution of VPN information over a shared MPLS network nor does it disclose the establishment of label switched paths between two routers.

For the foregoing reasons and others not disclosed herein, Claim 7 is not anticipated by

Kawafuji and thus should be allowed.

Claims 8-10 ultimately depend from Claim 7. Therefore, since Claim 7 is not anticipated by Kawafuki, Claims 8-10 are not anticipated and should also be allowed.

35 U.S.C. 103(a)

In the November 22, 2000 Office Action, the Examiner rejected Claims 5 and 6 as being unpatentable over Kawafuji. The Examiner asserts that

> Kawafuji discloses a virtual private network which enables private communications over a shared MPLS network but is silent regarding label switched paths which comprise mutltipoint-to-point paths or multipoint-to-multipoint paths. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the virtual private network communication system as disclosed by Kawafuji with multiple multipoint-to-point paths as well as multipoint-to-multipoint paths, thereby providing the communications system of Kawafuji the ability to transfer data packets utilizing unicast as well as multicast transmissions.

Applicants respectfully traverse this rejection. Claims 5 and 6 ultimately depend from Claim 1. As noted earlier, Kawafuji fails to disclose several limitations of Claim 1, including the dynamic distribution of VPN information by a router over a shared MPLS network and the establishment of label switched paths between two routers. Therefore, since Claims 5 and 6, by virtue of their dependence on Claim 1, recite elements that are neither disclosed nor suggested by Kawafuji, Claims 5 and 6 are not rendered obvious by Kawafuji. Accordingly, applicants respectfully request that the rejection of Claims 5 and 6 be withdrawn and Claims 5 and 6 be allowed.
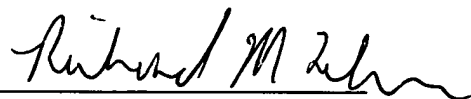
No new matter has been added and no additional fee is believed to be necessary.

This responses attends to each and every point noted by the Examiner. The claims are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a

telephone call to Applicant's undersigned attorney, to expedite further processing of the

application to allowance.

Dated: February 16, 2001   Respectfully submitted,

                                            Richard M. Lehrer
                                            Reg. No. 38, 536
                                            COBRIN & GITTES
                                            750 Lexington Avenue
                                            New York, NY 10022
                                            (212) 486-4000

2153

Please type a plus sign (+) inside this box [+]

PTO/SB/21 (12-97)
Approved for use through 10/31/02. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEB 20 2001

RECEIVED FEB 26 2001 Technology Center 2100

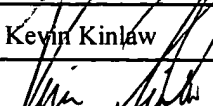| **TRANSMITTAL FORM** *(to be used for all correspondence after initial filing)* | Application Number | 09/131,051 |
	Filing Date	August 7, 1998
	First Named Inventor	Dwight JAMIESON, et al.
	Group Art Unit	2153
	Examiner Name	Fields, K.
Total Number of Pages in this Submission [6]	Attorney Docket Number	NTL-3.2.035/2034 (RO-4320)

ENCLOSURES (check all that apply)

[ ] Fee Transmittal Form	[ ] Assignment Papers *(for an application)*	[ ] After Allowance Communication to Group
[ ] Fee Attached	[ ] Drawing(s)	[ ] Appeal Communication to Board of Appeals and Interferences
[X] Amendment/Response	[ ] Licensing-related Papers	[ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
[ ] After Final	[ ] Petition	[ ] Proprietary Information
[ ] Affidavits/declaration(s)	[ ] Petition To Convert a Provisional Application	[ ] Status Letter
[ ] Extension of Time Request	[ ] Power of Attorney, Revocation Change of Correspondence Address	[X] Other Enclosure(s) *(Please identify below):*
[ ] Express Abandonment Request	[ ] Terminal Disclaimer	
[ ] Information Disclosure Statement	[ ] Small Entity Statement	
[ ] Certified Copy of Priority Document(s)	[ ] Request for Refund	Acknowledgment Postcard
[ ] Response to Missing Parts/ Incomplete Application	[ ] CD, Number of CD(s)_____	
[ ] Response to Missing Parts Under 37 CFR 1.52 or 1.53		
	[REMARKS]	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	COBRIN & GITTES Richard M. Lehrer, Reg. No. 38,536
Signature	
Date	February 16, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: [February 16, 2001]

Typed or printed name	Kevin Kinlaw	
Signature		[Date]: February 16, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form